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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,647	12/21/2001	Lucio Pieroni	AA511	1490
27752	7590	05/21/2004	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 05/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,647

Applicant(s)

PIERONI ET AL.

Examiner

Mark Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Root et al (USP 5,870,790). The patent to Root discloses a hand-held scrubbing device comprising a waterproof (see column 1, lines 40-55) casing comprising an interior comprising an electromechanical motor (104) and a battery (106) in electrical communication with the motor and an exterior comprising a scrubbing surface (50,52 or 54) in the form of bristled brushes which are at least indirectly removably linked with the motor and further wherein the motor provides a mechanical action to the scrubbing surface which is exposed to the environment when the device is in use. The bristles of a brush (50-54) are a NON WOVEN material. With regard to claim 19, Root discloses a motor activator (128).
3. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (USP 3,629,893). The patent to Brown discloses a scrubbing surface (32) which may be "a pad 32, or sponge or the like" (column 2, line 3) which may be removably joined to a hand-held scrubbing device and which "can contain cleaning solution, paste or the like" (column 2, lines 4-5). A sponge is a NON WOVEN material.

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4. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stima et al (USP 4,793,019). The patent to Stima discloses scrubbing surface comprising a non-woven material (38) (column 4, lines 5-18) which is impregnated with a cleaning composition (column 3, lines 53-54) and further wherein the scrubbing surface may be removably joined to a hand held device (10).

5. Claims 14,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by deBlois et al (USP 5,978,999). The patent to deBlois discloses a hand-held scrubbing device (10) comprising a waterproof (column 2, lines 11-15) casing housing a motor (10) and battery (16) and an exterior area comprising a number of attachments including a bristled (88) brush (fig 1) and a pad (114). The bristles (88) of a brush are a NON WOVEN material. With regard to claims 19-20, the patent to deBlois discloses the recited motor activator (40) in the form of a push-button ON/OFF switch (column 4, line 43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,5-8,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over deBlois et al (USP 5,978,999) in view of Stima et al (USP 4,793,019). The patent to deBlois discloses a hand-held scrubbing device (10) comprising a waterproof (column 2, lines 11-15) casing housing a motor (18) and a battery (16) and

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an exterior area comprising a number of cleaning accessories including a scrubbing pad (114) (column 7, lines 46-52) which is at least indirectly linked with the motor and which is exposed to the external environment when the device is in use. The patent to deBlois discloses the invention substantially as claimed with the exception of the pad or scrubbing surface comprising "a non-woven material impregnated with a cleaning composition". The patent to Stima discloses a cleaning material (38) of the same type (fibrous scrubbing pad) which may be formed of a number of materials, including a non-woven fabric (column 4, line 8) and which material is provided with a premeasured quantity of a detergent composition (column 3, lines 53-54). It would have been obvious to one of ordinary skill to have modified the pad of deBlois as taught by Stima (1) because Stima teaches the interchangeability of numerous scrubber pads and (2) so that another source of detergent solution would not be needed. The patent to deBlois discloses the method steps of claims 5-6. The embodiment of figs 8A-8B (also column 8, lines 1-36) includes an electromechanical motor which provides a reciprocating action (E) to the cleaning surface. The particular frequency of this action (claims 12-13) would be an obvious design choice to one of ordinary skill as mere optimization of a prior art device fails to define a patentable step.

8. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root et al (USP 5,870,790) in view of Strominski (USP 3,128,489) and Stima et al (USP 4,793,019). The patent to Root discloses a hand-held scrubbing device comprising a casing housing a rechargeable battery (6) and a motor (4) as well as an "exterior area" including various types of scrubbing surfaces joined thereto. The patent

to Strominski discloses the use of a scrubbing pad (60) which is removably secured to a powered cleaning device and which is impregnated with a detergent (column 3, lines 8-13). It would have been obvious to one of ordinary skill to have provided such a cleaning device to Root (1) because Root clearly teaches that various different cleaning members can be used and (2) so that an external source of soap is not required. With regard to the "non-woven" material, the patent to Stima is cited in that it teaches the known equivalence in the art of various scouring materials (including non-woven materials) (column 4, lines 6-13). The patent to Root discloses a charging coil (126) and such mechanisms are conveniently used in conjunction with a charging stand (claim 2). Root also discloses the "pivoting portion" (claim 3) (see figs 18-19).

9. Claims 1 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henriquez et al (USP 5,649,334) in view of Brown (USP 3,629,893). The patent to Henriquez discloses a casing which houses a motor assembly (54,58) and batteries (41) and wherein a scrubbing surface (43,45) which may be either a brush or a sponge is removably secured to the motor, both of which are NON-WOVEN materials. The device is disclosed as being used in a wet environment and one of ordinary skill would deem it obvious to make it "waterproof". The patent to Henriquez discloses the invention substantially as claimed with the exception of the scrubber having a detergent therein. The patent to Brown teaches that it is well known to impregnate a cleaning sponge (32) with a detergent (column 2, lines 3-5). It would have been obvious to one of ordinary skill to have modified the device of Henriquez as such to provide additional detergent to the work surface or in case the detergent reservoir in the casing was

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empty. The patent to Henriquez further discloses the faucet connection (18) and rinsing orifice (the valve 55 can be set to only provide for a jet of water).

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster (USP 4,299,004) in view of deBlois et al (USP 5,978,999). The patent to Lancaster discloses a hand-held scrubbing device comprising a waterproof casing (14) (column 1, lines 25-32) comprising an interior area housing an electromechanical motor (20) and an exterior comprising a scrubbing surface (12) (see figs 4A-4C and column 2, lines 53-64) comprising a "non-woven material" (a pumice bar, sponge and a felt pad are each non-woven materials) and wherein the scrubbing surface is at least indirectly removably linked with the motor. The patent to Lancaster discloses the invention substantially as claimed with the exception of the battery. The patent to deBlois discloses a hand-held scrubbing device (10) which includes a motor (18) which is supplied with electrical power by a battery (16). It would have been obvious to one of ordinary skill to have modified the device of Lancaster as taught by deBlois so that the device could be used in areas that are not near an electric outlet.

11. Claims 1,5-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster (USP 4,299,004) in view of deBlois (USP 5,978,999) and Stima et al (USP 4,793,019). The subject matter of claims 1 and 7 have essentially been addressed above in paragraph #10 with the exception of the non-woven material being impregnated with a cleaning composition. The patent to Stima also discloses a domestic cleaning/scrubbing material (38) which can be comprised of any number of materials (steel wool, plastic mesh, foam, non-woven fabric, etc.) (column 4, lines 7-17)

and further wherein this material may be provided with a premeasured quantity of detergent composition (column 3, lines 53-54). It would have been obvious to one of ordinary skill to have provided such a detergent to any or all of the varied cleaning surfaces (12) of Lancaster so that a secondary source of detergent would not be required. With regard to claim 15, the patent to Lancaster discloses at least two different types (claim 17) (also see column 2, lines 53-64) of interchangeable cleaning surfaces (12) (again, see figs 4A-4C) numerous examples of which are non-woven materials (claim 16). As the patent to Lancaster is disclosed as being for use on any a number of diverse surfaces (column 2, line 1-8) and as the patent to Stima also discloses that the pad (38) could be specifically adapted for various uses, the use of a unique detergent in different types of cleaning surfaces (12) would be obvious to one of ordinary skill in order to match the detergent type with the intended use of the pad itself (claim 18).

Response to Arguments

12. Applicant's arguments filed 21 April 2004 have been fully considered but they are not persuasive. With regard to applicant's comment pertaining to Brown (USP 3,629,893), a **sponge** (column 2, line 3) is a NONWOVEN material. Applicant's comment regard Benkovsky (USP 4,381,574) have been noted and this rejection has been withdrawn. Applicant added to some of the claims a recitation that the scrubbing surface comprises a nonwoven material (which also includes a cleaing composition). Contrary to applicant's assertion a bristled brush is a nonwoven material. The additional recitation of the nonwoven material as well as the new claims resulted in an

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additional search as well as a new ground(s) of rejection. It is noted that applicant, in the remarks, failed to acknowledge the addition of claims 11-20, let alone present any specific comment(s) pertaining to these claims. It is further pointed out that applicant's primary (if not sole) argument/comment was that the prior art failed to disclose a "nonwoven material impregnated with a cleaning composition", while newly added independent claims 14, 15 and 19 do not even require that limitation and claim 19 does not require either of them.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich
Primary Examiner
Art Unit 1744

MS